9/12/2021

ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್ತು

ಚುಕ್ಕೆ ಗುರುತಿಲ್ಲದ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ : 1259
ಸದಸ್ಯರ ಹೆಸರು : ಶ್ರೀ ಸುನೀಲ್ ಗೌಡ, ಬಸವನಗೌಡ ಪಾಟೀಲ್ (ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಕ್ಷೇತ್ರ) ಉತ್ತರಿಸುವ
ದಿನಾಂಕ : 23.12.2021
ಉತ್ತರಿಸುವ ಸಚಿವರು : ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಯವರು

ಪ್ರಶ್ನೆ	ಉತ್ತರ
(ಅ) ಜಿಲ್ಲಾ ವೃಂದದ ಗ್ರೂಪ್ "ಸಿ" ಹುದ್ದೆಗಳನ್ನು ರಾಜ್ಯ ಮಟ್ಟದ ಗ್ರೂಪ್ "ಬಿ" ಹುದ್ದೆಗೆ ಬಡ್ತಿ ನೀಡುವಾಗ ಅನುಸರಿಸುವ ಕ್ರಮಗಳೇನು; (ವಿವರ ನೀಡುವುದು) (ಈ ಕುರಿತಾದ ಇರುವ ಕಾನೂನು ಮತ್ತು ಸರ್ಕಾರಿ ಆದೇಶಗಳ ಪ್ರತಿ ನೀಡುವುದು).	ಜಿಲ್ಲಾ ವೃಂದದ ಗ್ರೂಪ್ "ಸಿ" ಹುದ್ದೆಗಳಿಂದ ರಾಜ್ಯ ಮಟ್ಟದ ಗ್ರೂಪ್ "ಬಿ" ಹುದ್ದೆಗೆ ಬಡ್ತಿ ನೀಡಲು ಆಸ್ಪದ ಕಲ್ಪಿಸಲಾಗಿರುತ್ತದೆ. ರಾಜ್ಯ ಸಿವಿಲ್ ಸೇವೆಗಳಲ್ಲಿನ ಹುದ್ದೆಗಳಿಗೆ ಮುಂಬಡ್ತಿ ನೀಡುವಾಗ ಅನುಸರಿಸುವ ಕ್ರಮಗಳ ಬಗ್ಗೆ ಹೊರಡಿಸಿರುವ ಈ ಕೆಳಕಂಡ ಸರ್ಕಾರಿ ಆದೇಶಗಳ ಪ್ರತಿಗಳನ್ನು ಲಗತ್ತಿಸಿದೆ. ಅಧಿಕೃತ ಜ್ಞಾಪನಸಂಖ್ಯೆ: ಡಿಪಿಎಆರ್ 5 ಎಸ್ಆರ್ ಸಿ 84 ದಿನಾಂಕ 9.10.1985 ಅಧಿಕೃತ ಜ್ಞಾಪನಸಂಖ್ಯೆ: ಡಿಪಿಎಆರ್ 22 ಎಸ್ಆರ್ಆರ್93 ದಿನಾಂಕ 14.7.1993 ಆದೇಶ ಸಂಖ್ಯೆ: ಡಿಪಿಎಆರ್ 29 ಎಸ್‌ಬಿಸಿ 77 ದಿನಾಂಕ : 27.04.1978 ಆದೇಶ ಸಂಖ್ಯೆ: ಡಿಪಿಎಆರ್ 22 ಎಸ್‌ಬಿಸಿ 79 ದಿನಾಂಕ: 30.08.1979
(ಆ) ಜಿಲ್ಲಾ ವೃಂದದ ಹುದ್ದೆಗಳ ಜಿಲ್ಲಾ ಜೇಷ್ಠತಾ ಪಟ್ಟಿಯನ್ನು ರಾಜ್ಯ ಮಟ್ಟದ ಜೇಷ್ಠತಾ ಪಟ್ಟಿಯನ್ನಾಗಿ (Statement Seniority List) ಅನುಸರಿಸುವ ಕ್ರಮಗಳ ಮಾನದಂಡಗಳು ಮತ್ತು ನಿಯಮಗಳೇನು? (ಸರ್ಕಾರಿ ಆದೇಶಗಳ ಪ್ರತಿ ನೀಡುವುದು)	ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ (ಜೇಷ್ಠತಾ) ನಿಯಮಗಳು, 1957ರಲ್ಲಿ ರಾಜ್ಯ ಸರ್ಕಾರಿ ನೌಕರರ ಜೇಷ್ಠತಾ ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸುವ ಬಗ್ಗೆ ಮಾರ್ಗಸೂಚನೆಗಳನ್ನು ನೀಡಲಾಗಿದೆ. (ಪ್ರತಿ ಲಗತ್ತಿಸಿದೆ)

ಸಂಖ್ಯೆ: ಸಿಆಸುಇ 217 ಸೇನೆನಿ 2021

(ಬಸವರಾಜ ಬೊಮ್ಮಾಯಿ)
ಮುಖ್ಯಮಂತ್ರಿ

GOVERNMENT OF KARNATAKA

No. DPAR 5 SRC 84

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, dated 9th October 1985.

OFFICIAL MEMORANDUM

Subject: Departmental Promotion Committee in respect of Promotions to State Services on the basis of Seniority-cum-merit.

* * * * *

Orders were issued from time to time constituting the Departmental Promotion Committees to assess the suitability and merit of candidates for the purpose of promotion within the State Services. Certain guidelines were also issued in the matter of writing and maintenance of annual Confidential Reports, communication of adverse remarks therefrom and the extent of reliance to be placed by the DPCs on the Un-communicated adverse remarks. It is observed that the DPCs have not been meeting regularly to consider the suitability of officials for promotion against the vacancies available and likely to arise in the near future. Representations are also being received from the officials that the problems of their cadre management such as filling of the vacancies in time, proper maintenance of Confidential Reports and so on are neglected. Under Rule 3 of the Karnataka Civil Services (General Recruitment) Rules, 1977 as amended in Notification No. DPAR 78 SRR 76, dated 19th June 1982, promotion to the post of Head of Department or to the post of Additional Head of Department, if it is in a grade equivalent to that of the Head of the Department concerned, should be by selection; and the promotion to all other posts should be on the basis of seniority-cum-merit. Taking into account all these and other relevant developments, it has become necessary to issue comprehensive instructions regarding the constitution and meeting of the DPCs and the timely issue of orders filling up the promotional vacancies. Accordingly the following instructions are issued for giving promotions on the basis of seniority-cum-merit to state Service Posts.

2. **Constitution of Departmental Promotion Committee:**

The following Departmental Promotion Committees have been constituted for the purpose of promotions on the basis of seniority-cum-merit to the State Services Posts (i.e., excluding promotions within All India Services and posts which, under the rules of recruitment, are required to be filled up by promotion on the basis of selection).

I. For promotion to Group A posts carrying Scale of Pay equivalent to KAS Group A Senior scale and above.

contd......2.

i) Secretary to Government of the Administrative Department concerned;

ii) Head of Department concerned;

iii) A representative of the Department of Law and Parliamentary Affairs not below the rank of a Deputy Secretary.

II. For promotion of Group B or Group C officials to Group A posts (other than those posts which carry pay scale equal to KAS Group A Senior scale and above) and of Group C officials to Group B posts.

i) Secretary to Government of the Administrative Department concerned;

ii) Head of the Department concerned;

iii) An officer of Karnataka Government Secretariat not below the rank of an Under Secretary to Government nominated by the Secretary to Government concerned.

The Committee for Public Works Department includes the Chief Engineer (WRDO) also.

3. Frequency of Meetings of Departmental Promotion Committee:

The Departmental Promotion Committees should meet twice a year, unless there is no vacancy availabe either immediately or in the next six months as could be reasonably foreseen. Since the passing of prescribed departmental examinations and the availability of uptodate Confidential Reports are the two important factors relevant for consideration by the Departmental Promotion Committees, the Departmental Promotion Committee should, subject to the availability of vacancies, meet for the first time in a year immediately after the results of the Departmental examinations of the June session are announced. The appointing authorities should ensure that the Confidential Report dossiers are updated by then. Since the Public Service Commission will be conducting the second session of the Departmental examination in December, the second meeting of the Departmental Promotion Committee should be convened immediately after the results of the December session of the examinations are announced. Where necessary, the Departmental Promotion Committee could meet oftener.

4. Size of select list:

The appointing authorities should make a forecast of the vacancies in addition to those already existing, during the next one year and place before the Departmental Promotion Committee the precise number of vacancies with reference to which the select list has to be drawn up. Subject to availability of eligible officials, the Departmental Promotion Committee should prepare a select list equal to at least 25% more than the number

Contd.....3.

of vacancies reported by the appointing authority. If the number of vacancies is less than four the size of the select list should be one more than the vacancies. The Departmental Promotion Committee should clearly indicate in its proceedings the details of vacancies on the basis of which the size of the select list has been drawn up in each meeting.

5. <u>Procedure of Departmental Promotion Committees</u>:

(i) The Departmental Promotion Committee should consider the Confidential Reports of officials for a period of five years immediately preceding the date of consideration of his suitability for promotion. In respect of officials who have not put in five years of service in the cadre from which they are considered for promotion to the next cadre, the Confidential Reports for the period of service rendered in the lower cadre to make up for five years should be taken into account. Where, however, the officials are appointed directly to a cadre from which they are to be promoted to a higher cadre and their total service is less than five years, the Confidential Report for the entire period of service in the former cadre should be considered for determining the suitability for further promotion. The non-availability of any Confidential Report for any period during the preceding five years should not be held against the official concerned.

(ii) For the period of deputed service outside the regular line, the assessment of an official's performance made by the borrowing department should normally be relied upon unless there are weighty reasons to accept the dissenting remarks, if any, of the parent department.

(iii) The Departmental Promotion Committee should consider the suitability of an official who has not passed the Departmental Examinations also, without reference to his not passing such examinations and record its views on the basis of his Confidential Reports and other relevant records. If the Departmental Promotion Committee could come to a conclusion that the only reason for not recommending his promotion is that he has not passed the prescribed Departmental Examinations, a certificate to that effect should be incorporated in its proceedings. Similarly, if the Departmental Promotion Committee could come to the conclusion that the only reason for not recommending his promotion is on account of any particular adverse remark(s) against which a representation submitted within the time limit stipulated under the Confidential Report Rules, was pending decision on the date of the meeting of the Departmental Promotion Committee a specific mention should invariably be made in its proceedings that he has not been recommended only on account of such an adverse remark. For this purpose it is the responsibility of the officer convening a meeting of the Departmental Promotion Committee to clearly bring to the notice of the Committee the gist of the pending representations if any against the adverse remarks contained in any of the Confidential Reports for a period of five years immediately preceding the date of consideration of his suitability for promotion.

contd......4.

6. Implementation of the Select List:

(1) The Select List prepared by the Departmental Promotion Committee as approved by the appointing authority will be the basis for promotions. The list will continue to be operative till the next select list is approved subject to the following:-

(a) If an official's claim was over-looked solely on the ground of adverse remarks in his Confidential Reports, his case should be re-considered immediately by the appointing authority if the relevant adverse remarks are expunged and his name should be shown in the select list at the appropriate place depending on the seniority. If all the officials senior to him in the select list in force have already been promoted, he should be promoted in the next available vacancy. There is no need to place his case again before the Departmental Promotion Committee, Unless an additional Confidential Report with adverse remarks has become available in the meantime. In case any of his juniors in the select list is already promoted at the time of expunction of the adverse remarks he should be promoted immediately against any of the available vacancies, or in the vacancy that should be created by reverting, if need be, the junior most official among the promotees.

(b) If an official's claim is overlooked solely on the ground of not passing the prescribed departmental examination, the question of re-considering his claim by Departmental Promotion Committee may not normally arise till the results of the Departmental examination of the next session are announced. If all his seniors in the select list have already been promoted when the results of the departmental examination of the next session are announced and if he has passed he should be promoted immediately on the availability of vacancy. There is no need to place his case for consideration again in the next meeting of the Departmental Promotion Committee unless an additional Confidential Report containing adverse remark has become available after the last meeting of the Departmental Promotion Committee.

(2) All promotions of officials should be until further orders. The practice of promoting an official for specified periods with condition of reviewing the promotion after obtaining a Special Report should be discontinued. Instead, the suitability of an official for promotion until further orders should be decided once for all. The cases of officials in the current select list who have not been promoted as on the date of the next meeting of the Departmental Promotion Committee should again be placed for consideration by the Committee.

contd......5.

7. Departmental Enquiry and Promotion: The mere fact that a departmental enquiry is pending against an official should not be a bar for promotion. An official against whom an enquiry pending should be considered for promotion without reference to the pending enquiries and if he is otherwise found to be eligible, he should be promoted subject to the condition that the promotion would be reviewed on the conclusion of the enquiry. Even where an official is under suspension, his case should be considered without reference to the pending enquiry. The proceedings of the Departmental Promotion Committee relating to the official under suspension should be placed in a sealed cover. If he is re-instated in service at any stage of the enquiry or on conclusion thereof, the appointing authority should consider the recommendation of the Departmental Promotion Committee and the outcome of the enquiry and take a decision thereon. If the decision is to promote him, he should be given such promotion immediately in any of the available vacancies. If no vacancy is readily available and any of his juniors have been promoted already, he should be promoted in the vacancy that should be created by reverting, if need be, the junior most person among the promotees.

8. General: In respect of promotions to posts for which the Departmental Promotion Committee is not required to consider the suitability of officers, the appointing authorities themselves should assess the suitability and take decisions. In doing so, the procedurelaid down for the Departmental Promotion Committee in the preceding pa as could mutatis mutandis be complied with.

(M.M. NAIK)
Joint Secretary to Government,
Dept. of Personnel and Admnv. Reforms,
(Service Rules)

To

1. All Secretaries to Government.
2. All Heads of Departments.
3. The Secretary, K.P.S.C., Bangalore.
4. The Secretary, Karnataka Legislature, Bangalore.
5. The Registrar, High Court of Karnataka, Bangalore.
6. Weekly Gazette.

(3–5: with covering letter)

GOVERNMENT OF KARNATAKA

No.DPAR 22 SRR 93

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, Dated: 14th July, 1993.

OFFICIAL MEMORANDUM

Sub: Departmental Promotion committee in respect of promotions to State Services on the basis of seniority-cum-merit- Procedure when a Departmental Enquiry/Court Proceedings is pending.

Ref: O.M.No.DPAR 5 SRC 84, dated:9.10.1985.

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The instructions issued in para-7 of the Official Memorandum dated 09-10-1985 referred to above have been further examined and the following instructions are issued in its place:

2. Where a departmental enquiry or court proceeding is pending, the following course of action shall be taken:

3. The Departmental Promotion Committee (DPC) shall assess the suitability of the officer/official for promotion without taking into consideration the disciplinary proceedings/court proceedings pending against the officer/official. The assessment on the basis of records, the view of the DPC shall be kept in a sealed cover. In the subsequent DPCs also, if any, during the period of disciplinary/court proceedings, the DPC shall consider the officer's/official's case and record its findings which will again be kept in a sealed cover in the above manner.

4. On the conclusion of the disciplinary/court proceedings and in case the officer/official is exonerated, the sealed cover or covers may be opened at the earliest possible date of promotion but for the pendency of the disciplinary/court proceedings against him/her, may be determined with reference to the position(s) assigned to him/her in the findings in the sealed cover/covers with reference to date of promotion of his/her junior on the basis of such position. The officer/official concerned may then be promoted in accordance with rules if necessary by reverting the junior most officiating person.

5. If any penalty is imposed on the officer/official as a result of the disciplinary proceedings or if he is found guilty in the court proceedings, the findings in the sealed cover/covers shall not be acted upon. The officer's/official's case for promotion may be considered in the usual manner by the next DPC which needs in the normal course after conclusion of the disciplinary/court proceedings.

6. The sealed cover procedure contemplated herein above, shall be adopted only after the date of issuance of Charge Memo/Charge Sheet, that being the date from which the disciplinary proceedings can be taken to have been initiated.

7. The same procedure as detailed above shall be followed where an officer/official is placed under suspension. On his reinstatement in service at any stage of the enquiry the procedure as explained in para-3 of this O.M., shall be followed and on conclusion of the enquiry the procedure as indicated in paragraph-4 and 5 shall be followed.

Sd/-
(P. RAMANATH)
Under Secretary to Government-I,
Department of Personnel and
Administrative Reforms
(Service Rules.)

To
1. All Secretaries to Government
2. All Heads of Departments
3. The Secretary, Karnataka Public Service Commission, Bangalore
4. The Secretary, Karnataka Legislature, Bangalore
5. The Registrar, High Court of Karnataka, Bangalore
6. Weekly Gazette.

//True Copy//

(R. Chandrashekar)
Section Officer,
DPAR (Service Rules-A)

GOVERNMENT OF KARNATAKA

CHIEF SECRETARIAT

Reservation for persons belonging to Scheduled Castes and Scheduled Tribes under Article 16 (4) of the Constitution in specified categories of promotional vacancies.

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ORDER NO. DPAR 29 SBC 77, BANGALORE, DATED 27TH APRIL, 1978.

The question of making reservations under Article 16(4) of the Constitution in promotional vacancies has been engaging the attention of Government for some time past. After considering all aspects of the matter, Government have decided to make reservations in favour of persons belonging to Scheduled Castes and Scheduled Tribes in promotional vacancies also to the extent indicated in the succeeding paragraphs.

2. Government are accordingly pleased to direct that there shall be reservations for persons belonging to Scheduled Castes and Scheduled Tribes at 15% and 3% respectively of vacancies to be filled by promotion in all the cadres upto the inclusive of the lowest category of Class I posts in which there is no element of direct recruitment, and if there is an element of direct recruitment, such element of direct recruitment does not exceed $66\frac{2}{3}$%.

3. The reservations shall be made for each category of posts under each promoting authority according to the percentages indicated in para 2. For the purpose of calculating the vacancies to be reserved for persons belonging to Scheduled Castes and Scheduled Tribes, a rotation of 33 vacancies shall be followed for each category of posts under each authority competent to order promotions.

4. The rotation of vacancies shall be as indicated in annexe to this order and shall be a running account until the 33rd vacancy is reached. For example, if on the first occasion of promotion 21 posts have been filled, on the next occasion of promotion the classification will start from the 22nd point, and so on. All authorities competent to order promotions shall maintain a separate register indicating the promotional rotation for each category of posts under them.

5. In giving effect to these orders, against vacancies reserved for persons belonging to Scheduled Castes, the senior most qualified and suitable persons belonging to Scheduled Castes and against vacancies reserved for persons belonging to Scheduled Tribes, the senior most qualified and suitable persons belonging to Scheduled Tribes shall be promoted irrespective of their ranking in the overall seniority list of the cadre from which promotion has to be made.

6. If on any occasion of promotion, qualified and suitable Scheduled Castes or Scheduled Tribe candidates for whom vacancies are reserved are not available, such vacancies shall be filled by promotion of qualified and suitable persons from amongst others in accordance with the rules of recruitment. The vacancies lost to persons belonging to Scheduled Castes and Scheduled Tribes on account of such promotions shall not be carried forward and future vacancies shall be filled up according to rotation as indicated in the Annexe to this order.

...2

7. Inter-se-seniority amongst persons promoted on any occasion shall be determined in accordance with Rule 4 or 4A (as the case may be) of the Karnataka Government Servants (Seniority) Rules, 1977.

8. Government are also pleased to direct that all institutions receiving grants or aids from Government, other than the educational institutions established and administered by minorities based on religion or language, shall also be required to make reservations in employment under them in accordance with the provisions of this order.

9. Under Government Order No. GAD 6 SBC 75 dated 3rd May, 1975 as amended, and G.O.No. DPAR 1 SBC 77 dated 4th March 1977, the Secretaries to Government were requested to issue directives to companies, statutory Boards, Corporations etc., under their administrative control whether fully owned or partly owned by Government to make reservations for persons belonging to Scheduled Castes, Scheduled Tribes and Backward Classes. The Secretaries to Government are requested to issue in the same manner, additional directives to the Companies, Boards, etc., to follow the provisions of this order also. The draft of the directive which was forwarded to the Secretaries to Government under Government Order dated 3rd May 1975 should be modified suitably to include the provisions of this order.

By Order and in the name of the
Governor of Karnataka,
Sd/-
(N. Narasimha Rau),
Chief Secretary to Government.

ANNEXE

1. Unreserved
2. Scheduled Caste
3. Unreserved
4. Unreserved
5. Unreserved
6. Unreserved
7. Unreserved
8. Unreserved
9. Scheduled Caste
10. Unreserved
11. Unreserved
12. Unreserved
13. Unreserved
14. Unreserved
15. Unreserved.
16. Scheduled Tribe
17. Scheduled Caste.
18. Unreserved.
19. Unreserved.
20. Unreserved.
21. Unreserved.
22. Unreserved.
23. Unreserved.
24. Scheduled Caste.
25. Unreserved.
26. Unreserved
27. Unreserved.
28. Unreserved.
29. Unreserved.
30. Unreserved.
31. Scheduled Caste.
32. Unreserved.
33. Unreserved.

/COPY/

K.K. Saleela 18/1/91
(K.K. Saleela),
Section Officer,
DPAR (Service Rules-A)

GOVERNMENT OF KARNATAKA

PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT

Reservation for persons belonging to Scheduled Castes and Scheduled Tribes under Article 16 (4) of the Constitution in specified categories of promotional vacancies.

READ:

1. Government Order No.DPAR 29 SBC 77 dated: 27th April 1978.

PREAMBLE:-

In the roster annexed to Government Order read above, the first point was unreserved and the second point was reserved for persons belonging to Scheduled Castes and the sixteenth point was reserved for persons belonging to Scheduled Tribes. In view of inadequate representation of Scheduled Castes and Scheduled Tribes in Services in the State, Government considers necessary to revise the roster to provide for reservation of first and second vacancies in the roster in favour of persons belonging to Scheduled Castes and Scheduled Tribes respectively.

ORDER NO. DPAR 22 SBC 79, BANGALORE, DATED:30TH AUGUST 1979.

Government are accordingly pleased to direct that roster annexed in Government Order No.DPAR 29 SBC 77, dated: 27th Arpil 1978, shall be substituted by the roster annexed to this Order and the roster annexed to this Government Order shall be followed with immediate effect.

2. If in respect of any cadre, vacancies have been classified in accordance with the roster annexed to Government Order dated: 27th April, 1978, and some appointments are already made accordingly and the roster has not been operated beyond the 16th point, the previous roster shall be followed till the sixteenth vacancy in the cycle is filled up; and thereafter the new roster prescribed and annexed to this Government Order shall come into operation starting with the first vacancy in accordance with the roster prescribed under this order.

By Order and in the name of the
Governor of Karnataka.

Sd/-
(N. NARASIMHA RAU)
CHIEF SECRETARY TO GOVERNMENT.

'COPY:'

ANNEXURE

CLASSIFICATION OF VACANCIES FOR SCHEDULED CASTES AND SCHEDULED TRIBES FOR PROMOTION.

-----

1. Scheduled Caste
2. Scheduled Tribe
3. Unreserved
4. Unreserved
5. Unreserved
6. Unreserved
7. Scheduled Caste
8. Unreserved
9. Unreserved
10. Unreserved
11. Unreserved
12. Unreserved
13. Unreserved
14. Scheduled Caste
15. Unreserved
16. Unreserved
17. Unreservee.
18. Unreserved
19. Unreserved
20. Unreserved
21. Scheduled Caste
22. Unreserved
23. Unreserved
24. Unreserved
25. Unreserved
26. Unreserved
27. Scheduled Caste
28. Unreserved
29. Unreserved
30. Unreserved
31. Unreserved
32. Unreserved
33. Unreserved.

'COPY'

Sd/-
(P.RAMANATH)
Section Officer,
DPAR (Service Rules-A Section).

(DEVARAJU)
Section Officer,
DPAR (Service Rule-A Section).

KARNATAKA GOVERNMENT SERVANTS' [SENIORITY] RULES,1957

[As modified upto January 2006]

No.GAD (OM) 14 GRR 57, dated 7th February 1958

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of all existing rules on the subject, the Governor of Karnataka hereby makes the following rules, namely:

1. These rules may be called the Karnataka Government Servants' (Seniority) Rules, 1957.

[1][1-A. Nothing in these rules shall be applicable to any person appointed as a local candidate so long as he is treated as such:

Provided that where his appointment is treated as regularised from any date, his seniority in the service shall be determined in accordance with these rules as if he had been appointed regularly as per the rules of recruitment to the post held by him on the day.

Explanation.- In this rule " local candidate " shall have the same meaning as in the Karnataka Civil Services Rules, 1958.][1]

2. Subject to the provisions hereinafter contained the seniority of a person in a particular cadre of service or class of post shall be determined as follows:-

(a) Officers appointed substantively in clear vacancies shall be senior to all persons appointed on officiating or any other basis in the same cadre of service or class of post;

(b) The seniority ***inter-se*** of officers who are confirmed shall be determined according to dates of confirmation, but where the date of confirmation of any two officers is the same, their relative seniority will be determined by their seniority ***inter-se*** while officiating in the same post and if not, by their seniority ***inter-se*** in the lower grade.

(c) Seniority ***inter-se*** of persons appointed on temporary basis will be determined by the dates of their continuous officiation in that grade and where the period of officiation is the same the seniority ***inter-se*** in the lower grade shall prevail.

Explanation.- When an officer otherwise fit for promotion from a particular cadre of service or class of post is not available for promotion on account of deputation, the shortness of the vacancy or other similar reason resulting in his junior in the same cadre of service or class of post being promoted, the senior officer will maintain his seniority in the cadre of the service or class of post to which the promotion has been made. But this provision will not be applicable to officers, who are not considered fit for promotion. In such cases, a definite decision shall be taken whether the officer who is not available for promotion, would have been promoted to the higher post if he were available. Unless there is a positive decision to supersede, he shall rank for seniority over his junior.

[2][(d) omitted.]

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1. Inserted by Notification No. GAD 176 SRR 59, dated 29th December 1960.
2. Omitted by Notification No. GAD 4 SSR 76, dated 12th August 1976.

3. Where officers are recruited to any service or a class of post by promotion and by direct recruitment, the officers directly recruited will take precedence over the promoted officers in case where the date of appointment is the same.

[3][4. When promotions to a class of post or cadre are made on the basis of seniority-cum-merit at the same time, the relative seniority shall be determined,-

(i) if promotions are made from any one cadre or class of post, by their seniority ***inter-se*** in the lower cadre or class of post;

(ii) if promotions are made from several cadres or classes of posts of the same grade, by the period of service in those grades;

(iii) if promotions are made from several cadres or classes of posts, the grades of which are not the same, by the order in which the candidates are arranged by the authority making the promotion, in consultation with Public Service Commission where such consultation is necessary, taking into consideration the order in which promotions are to be made from those several cadres or classes of post.]

4-A. When promotion to a class of post or cadre are made by selection at the same time either from several cadres or classes of post or from same cadre or class of post by the order in which the candidates are arranged in order of merit by the appointing authority making the selection, in consultation with Public Service Commission where such consultation is necessary.

[4][Explanation.- For purposes of this rule, "several cadres or classes of post" shall be deemed to include cadres or classes of posts of different grades from which recruitment is made in any specified order of priority in accordance with any special rules of recruitment.]

5. (1) The decision regarding the seniority of direct recruits to a service or to a class of post shall be made by the appointing authority at the time of their first appointment in one of the modes mentioned below:-

(a) when the recruitment is made on the result of a competitive examination, the order of seniority will be in the order of merit, or

(b) when the recruitment is made by selection, the order of seniority will be determined by the order in which the candidates are arranged in order of merit by the appointing authority in consultation with the Public Service Commission or other authority making the selection.

(c) [5][when successful completion of a course of training is prescribed for recruitment to any post, the seniority of those recruited after such training shall be determined on the basis of the order of merit,-

(i) at the examination held at the end of such training or

(ii) at the selection for such training when an examination is not held][5]

The decision once taken shall be final and shall not be open to revision.

[6][(2) Notwithstanding anything contained in sub-rule (1), the seniority of a candidate who assumes charge of a post after the period specified [7][in sub-rule (1) of Rule 18 of the Karnataka Civil Services (General Recruitment) Rules, 1977][7], shall be determined as from the date on which he assumed charge of such post.][6]

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3. Notification No. GAD 140 SRR 64, dated 15th February 1968.
4. Notification No. GAD 97 SRR 67, dated 26th September 1967.
5. Inserted by Notification No. GAD 74 SRR 60, dated 15th March 1961.
6. Re-numbered under Notification No. GAD 14 SRR 70A, dated 1st October 1971.
7. Notification No. DPAR 24 SRR 2004, dated 20.11.2004.

6. The transfer of a person in public interest from one class or grade of a service to another class or grade carrying the same pay or scale of pay shall not be treated as first appointment to the later for purposes of seniority; and the seniority of a person so transferred shall be determined with reference to his first appointment to the class or grade from which he was transferred;

Provided that, where the transfer is made at the request of the officer, he shall be placed in the seniority list of the class or grade of service to which he is transferred below all the officers borne on that class or grade of service on or before the date of the transfer.]

[8][Provided further, that the seniority of a person transferred in public interest ***vis a vis*** the persons actually holding the post in the Class or Grade to which he is transferred shall be determined on the date of such transfer with reference to his first appointment to the class or grade from which he was transferred.][8]

Explanation.- For the purpose of the above proviso, the persons actually holding the post do not include the persons who have before the date of such transfer been promoted, whether in an officiating or substantive capacity to a higher class or grade.

[9][6-A. The transfer or appointment of an officer of the Defence Services, an All India Service or a Civil Service of the Union or the Civil Service of any other State to any equivalent class or grade of service in the State Civil Services shall not be treated as first appointment to that class or grade of service for purpose of seniority; and the seniority of an officer so transferred or appointed shall be determined with reference to his first appointment to the class or grade of service or services to which he belonged prior to such transfer or appointment.

Provided that, where such transfer or appointment is made at the request of the office, he shall be placed in the seniority list of the class or grade of service to which he is transferred or appointed below the persons borne on that class or grade of service immediately prior to the date of such transfer or appointment.][9]

[10][Provided further, that the seniority of a person transferred in public interest ***vis a vis*** the persons actually holding the post in the class or grade to which he is transferred shall be determined on the date of such transfer with reference to his first appointment to the class or grade from which he was transferred.

Explanation.- For the purpose of the above proviso, the persons actually holding the post do not include the persons who have before the date of such transfer been promoted, whether in an officiating or substantive capacity to a higher class or grade.][10]

7. [11][Omitted]

[12][7-A. (1) Subject to the provisions of these rules, seniority ***inter-se*** of persons, to be included in the State-wise list of seniority consequent upon posts included in the district-wise cadres being included in the State-wise cadre, shall be determined by the total length of continuous service of the official in the district-wise cadre from the date of his appointment to such cadre:

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8. Inserted by Notification No. GAD 22 SSR 73, dated 13th October 1976.
9. Notification No. GAD 12 SSR 69, dated 13th November 1969.
10. Inserted by Notification No. GAD 22 SSR 73, dated 13th October 1976.
11. Omitted by Notification No. GAD 28 SSR 69, dated 12th December 1973.
12. Notification NO. GAD 26 SRR 69, dated 16th June 1969.

Provided that where two or more persons are appointed to the district-wise cadres on the same date and their total length of continuous service in such cadre is equal, then the ***inter-se*** seniority of such persons shall be determined by the authority competent to prepare the State-wise list.

(i) Where such persons are promoted from a lower cadre, on the basis of their total length of continuous service in the post in the lower cadre from which they were promoted;

(ii) Where such persons are directly recruited to the district-wise cadre, on the basis of their relative age, the older in age being considered as senior to the younger.

(2) The provisions of sub-rule (1) shall **mutatis mutandis** apply for the determination of seniority,-

(i) where a State-wise list is prepared consequent upon posts included in Division-wise cadres being included in the State-wise cadre, as if in the said sub-rule, for the words "district-wise cadre" the words "Division-wise cadres" had been substituted.

(ii) where a Division-wise list is prepared consequent upon posts included in District-wise Cadres being included in a Division-wise cadre, as if in the said sub-rule, for the words "State-wise cadre" the word "division-wise cadre" had been substituted.

8. The cases which cannot be determined by any of the above methods shall be determined in such manner as may be decided by the appointing authority, in consultation with the Public Service Commission.

9. These rules shall not apply to the determination of initial seniority in the State of persons who are allotted or are deemed to have been allotted to serve in connection with the affairs of the State of Karnataka in pursuance of Section 115 of the State Re-organisation Act, 1956. The seniority of such persons shall be as determined in accordance with the provisions of the said Section and the orders issued in pursuance thereof.

[13][10. (1) There shall be prepared every year for each cadre of service or class of posts a seniority list consisting of the names of all officers borne on the said cadre or class of posts arranged in order of seniority in accordance with the provisions of these rules.

(2) The seniority list under sub-rule (1) shall be prepared by:-

(a) the Government for Gazetted cadres of service or classes of posts;

(b) the Head of the Department concerned for non-Gazetted cadres of service or classes of posts;

Provided that the Government may also prepare the seniority list for non-Gazetted cadres of any service or class of posts."][13]

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13. Inserted by Notification No. GAD 12 SSR 71, dated 17th April 1971.